



Substitute Senate Bill No. 1126

Public Act No. 09-213

AN ACT CONCERNING LAND RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 12-174 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

Any person, as owner in whole or in part of, or fiduciary having control of, or interest in, any real estate, may file with the tax collector, at any time within ninety days from the date when the first installment of a tax, or the whole tax in case installments are not authorized, has become due, and within thirty days from the date when the second or any succeeding installment of a tax, all previous installments of which have been paid, has become due, an affidavit showing in detail the existence of unusual financial or other circumstances which justify deferring collection of the tax laid upon such real estate. On receipt of such affidavit, which shall request that the collection of such tax be deferred, the tax collector shall, with [his] the tax collector's recommendations thereon, refer the same to the selectmen if a town not consolidated with a city or borough, to the common council or mayor and board of aldermen if a city, to the warden and burgesses if a borough or to the governing board if any other municipality, for authority to continue the lien securing such tax for a period not exceeding fifteen years. If action granting such authority is taken

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within sixty days from the receipt thereof, but not otherwise, the tax collector shall make out and file, within the first year after the first installment of the tax, or the whole tax in case installment payments are not authorized, has become due, a certificate containing the information required in section 12-173, and the town clerk shall record such certificate; provided, (1) the tax collector shall notify the owner of such real estate of the intent to file a lien by mail not later than fifteen days prior to the filing of such lien, and (2) if such affidavit is approved with respect to any installment, the succeeding installments, if any, shall become due and payable from the due date of such installment, and such certificate shall be made out and recorded to secure payment of all unpaid installments of such tax. Failure to notify such owner of the intent to file a lien shall not affect the validity of the lien. Each tax, the lien for which has been continued by certificate under the provisions of this section, shall not be subject to interest as provided by section 12-146. Each lien continued by certificate under the provisions of this section shall be subject to foreclosure at any time, but shall be invalid after the expiration of fifteen years from the date of recording the certificate continuing the same, unless an action of foreclosure has been commenced within such time. After the expiration of such period of fifteen years, if such action has not been commenced, the [town clerk] tax collector then in office shall, upon the request of any interested person, discharge such lien of record by [noting on the margin thereof the words "Discharged by operation of law", together with the date and his signature] filing a discharge of lien in the office of the town clerk, and the town clerk shall record a discharge of lien in the land records.

Sec. 2. Section 12-175 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

In addition to the method of procuring the continuance of the lien provided in section 12-174, as amended by this act, the tax collector of

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any municipality may continue any tax lien upon any item of real estate by making out a certificate containing the information required by the provisions of section 12-173. Each certificate authorized by the provisions of this section shall be filed in the office of the town clerk of the town in which such real estate is situated not later than two years after the first installment of the tax, or the whole tax in case installment payments are not authorized, has become due, and the town clerk shall record such certificate in the land records of such town, provided the tax collector shall notify the owner of such real estate of the intent to file a lien by mail not later than fifteen days prior to the filing of such lien. Failure to notify such owner shall not affect the validity of the lien. Each such tax, as it may have been increased by interest, fees and charges provided for by law, shall remain a lien upon such real estate from the date of the filing of such certificate; and any tax lien so continued, when the amount due has been paid, may be discharged by a certificate of the then tax collector [of taxes] recorded in such land records; but any tax lien upon private property which has been recorded in the land records of any town for more than fifteen years from the due date of the tax shall be invalid, and such property shall be free from the encumbrance of such lien, unless an action of foreclosure has been commenced during such period of fifteen years and a notice of lis pendens filed for record, and the [town clerk] tax collector shall, if no such notice has been filed, upon the request of any interested person, discharge such lien of record by [noting on the margin of such record the words, "Discharged by operation of law"] filing a discharge of lien in the office of the town clerk, and the town clerk shall record a discharge of lien in the land records.

Sec. 3. Subsection (c) of section 47-70a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(c) Notwithstanding any other provision of this chapter or the

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condominium instruments, the designation of the agent for the service of process named in the declaration may be changed from time to time by recording in the land records wherein the declaration is recorded the instrument for designation of an agent for service of process, which if the association is incorporated, shall be a copy of the instrument transmitted to the Secretary of the State or if not incorporated, an instrument including the same information as such an instrument for designation of agent. In addition, the instrument for designation shall refer to the volume and first page of the original condominium instruments. [and a marginal notation thereon shall be made by the town clerk of such change.]

Sec. 4. Subsection (e) of section 47-270 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(e) The association shall, during the month of January in each year, file in the office of the town clerk of the municipality or municipalities where such common interest community is located a certificate setting forth the name and mailing address of the officer of the association or the managing agent from whom a resale certificate may be requested, and shall, thereafter, file such a certificate within thirty days of any change in the name or address of such officer or agent. The town clerk shall [keep such certificate on file in his office and make it available for inspection] record such certificate in the land records.

Sec. 5. Subsection (d) of section 49-13 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(d) Upon deposit of the balance of indebtedness with the clerk, such judgment shall issue, which judgment shall, within thirty days thereafter, be recorded in the land records of the town in which the property is situated, and the encumbrance created by the mortgage,

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foreclosure judgment, attachment, lis pendens or other lien shall be null and void and totally discharged. The town clerk of the town in which the real estate is situated shall, upon the request of any person interested, [endorse on the record of the encumbrance or lien the words "discharged by judgment of the Superior Court", and list the volume and page number in the land records where the judgment is recorded] record a discharge of such encumbrance in the land records.

Sec. 6. Section 49-88 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

A lien on real estate arising under the provisions of section 49-86 shall not continue in force as a lien for a longer period than fifteen years after the date thereof unless within said period an action on the bond in connection with which the notice of lien was filed has been prosecuted to effect and a judgment lien against the surety filed according to law. All liens on real estate which have expired under the provisions of this section shall be deemed dissolved and the real estate shall be free from any lien or encumbrance by reason of the same and the town clerk of the town in which the real estate is situated shall, upon the request of any person interested, [endorse on the record of the notice of lien the words "discharged by operation of law"] discharge such lien of record by recording a discharge of lien in the land records.

Sec. 7. Section 49-90 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

If any lien arising under the provisions of section 49-86 has been made and the plaintiff has withdrawn his suit or has been nonsuited or final judgment has been rendered against him, or if such suit has not been returned, or if for any reason such lien has become of no effect, the clerk of the court to which such suit has been made returnable shall, upon the request of any person interested, issue a certificate in

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accordance with the facts, which certificate may be filed in the office of the town clerk, and such town clerk shall [note on the margin of the record where such lien is recorded] record such certificate in the land records.

Sec. 8. Section 49-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

In any proceeding wherein a lien has been filed pursuant to the provisions of section 49-86, if the plaintiff therein has received satisfaction for his claim, or final judgment has been rendered against him thereon, or when for any reason the lien has become of no effect, the plaintiff or his attorney, at the request of any person interested in the estate liened or in having the lien removed, shall [lodge] file a certificate with the town clerk that the lien is removed. Each such certificate shall be recorded [at length in a book kept for that purpose] by the town clerk [as a part of] in the land records of the town wherein the property affected by the release is located or wherein the notice of lien was filed.

Sec. 9. Section 52-322 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

When the estate of any person has been attached in any proceeding wherein a certificate of such attachment or a copy of the writ or proceeding is required by law to be filed in the office of the town clerk, and the plaintiff therein has received satisfaction for [his] the plaintiff's claim, or final judgment has been rendered against [him] the plaintiff thereon, or when for any reason such attachment has become of no effect, such plaintiff or [his] the plaintiff's attorney, at the request of any person interested in the estate attached or in having the attachment lien removed, shall [lodge] file a certificate with such town clerk that such attachment is dissolved and such lien removed. Each such certificate shall be recorded [at length in a book kept for that

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purpose] by such town clerk [as a part of] in the land records of the town wherein the property affected by the release is located or wherein the certificate of attachment was filed.

Sec. 10. Section 52-324 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

If an attachment, such as is set forth in section 52-322, as amended by this act, has been made and the plaintiff has withdrawn [his] the plaintiff's suit or has been nonsuited or final judgment has been rendered against [him] the plaintiff, or if such suit has not been returned, or if for any reason such attachment has become of no effect, the clerk of the court to which such suit has been made returnable shall, upon the request of any person interested, issue a certificate in accordance with the facts, which certificate may be filed in the office of the town clerk, and [shall by] such town clerk [be noted on the margin of the record where such attachment is recorded] shall record such certificate in the land records.

Sec. 11. Section 52-327 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

No attachment of real estate shall continue in force as a lien for a longer period than fifteen years after the date thereof unless within said period the action in which such attachment was made has been prosecuted to effect and a judgment lien filed according to law. All attachments of real estate which have expired as a lien by the provisions of this section shall be deemed dissolved and the real estate shall be free from any lien or encumbrance by reason of the same and the town clerk of the town in which such real estate is situated shall, upon the request of any person interested, [endorse on the record of such attachment the words "discharged by operation of law"] discharge such attachment lien by recording a discharge of lien in the land records.

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Sec. 12. Section 49-92d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

The town clerk of the town in which the purchaser's lien is filed shall, upon request of any person having an interest in the real estate covered by that lien, [cause to be entered upon the land records a notation that the lien and, if applicable, the lis pendens or notice of foreclosure, is discharged by operation of law] discharge such lien and, if applicable, the lis pendens or notice of foreclosure, by recording in the land records a discharge of lien and, if applicable, a discharge of lis pendens or notice of foreclosure, provided the purchaser's lien has expired by a provision of the statute of limitations, and (1) no lis pendens or notice of foreclosure of the lien has been filed with that town clerk, or (2) if a lis pendens or notice of foreclosure has been so filed or recorded and a certificate, issued by the clerk of the court to which the notice referred after the return day of the foreclosure action, [and] indicating that no such foreclosure action remains pending and that no judgment has been entered in the action in that court, has been filed for record with the town clerk.

Approved July 8, 2009